



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

BJG

Docket No: 96-00

1 December 2000

GYSGT [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Gunnery Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the two advisory opinions from the Headquarters Marine Corps (HQMC) Enlisted Assignment Branch (MMEA-6), dated 13 April and 7 June 2000, and the two memoranda for the record, dated 17 May and 28 November 2000, copies of which are attached. They also considered your letter of 10 November 2000. Finally, they considered a copy of your adverse fitness report for 1 to 16 October 1998, which has been removed by the HQMC Performance Evaluation Review Board (PERB).

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the PERB's basis for removing your fitness report for 1 to 16 October 1998 did not persuade them that your relief for cause, cited in that report, was unwarranted. Since the Board was unable to find that you should not have been relieved for cause of your duties as a career planner, they had no basis to restore your career planner military occupational specialty (8421), or correct your record to show your entitlement to special duty assignment pay was not terminated on 16 October 1998. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new

and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures





96-00

**MEMORANDUM FOR THE RECORD**

**BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)  
PERFORMANCE SECTION  
2 NAVY ANNEX, SUITE 2432  
WASHINGTON, DC 20370-5100  
TELEPHONE: DSN 224-9842 OR COMM (703) 614-9842  
FAX: DSN 224-9857, COMM (703) 614-9857**

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DATE: 17MAY00

DOCKET NO. [REDACTED]

PETITIONER (PET): GYSG [REDACTED] MC

PARTY WHO CALLED: MS [REDACTED] PERB [REDACTED]

TELEPHONE NUMBER: (703) 614-9842

WHAT I SAID: I ASKED WHY THE PERB REMOVED PET CONTESTED ADVERSE FITREP.

WHAT PARTY SAID: SHE INFORMED ME THAT THE PERB REMOVED PET'S FITREP BECAUSE OF AN INJUSTICE. THEY NOTED THAT HE HAD THREE PRIOR OUTSTANDING FITREPS AS A CAREER PLANNER. THE CONTESTED RPT WAS A ONE MO TRANSFER RPT. THERE WERE TWO CAREER PLANNERS, AND ONLY PET WAS RFC. IT APPEARED THAT PET HAD MADE A COMPLAINT, AND THAT THE RS GAVE HIM THE CONTESTED REPORT IN REPRISAL FOR THE COMPLAINT. FINALLY, THE RO DID NOT RESOLVE THE DIFFERENCES BETWEEN PET AND HIS RS.

[REDACTED]  
[REDACTED]

**MEMORANDUM FOR THE RECORD**

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DATE: 28NOV00

DOCKET NO: [REDACTED]

PETITIONER (PET): GYSG [REDACTED] USMC

PARTY CALLED: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

WHAT I SAID: N/A

WHAT PARTY SAID: [REDACTED] INFORMED ME THAT ONE OF THE PRIMARY REASONS THE PERB REMOVED PET'S CONTESTED ADVERSE FITREP WAS THAT THERE WAS NO THIRD SIGHTING OFFICER.

[REDACTED]  
[REDACTED]  
[REDACTED]